



533 Rec'd PCT/PTO 07 SEP 2001

PATENT
Attorney Docket 45636-5042-US

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Denis PAQUET *et al.*)
U.S. Application No. 09/806,821) Group: Unassigned
International Filing Date: 05 Oct 1998) Examiner: Unassigned
National Stage Entry Date: 05 April 2001)
For: **Low Acidity Fermented Dairy Products**)
 Flavoured with Warm Flavours)

BOX PCT
Commissioner for Patents
Washington, D.C. 20231

RESPONSE TO NOTIFICATION OF MISSING REQUIREMENTS
UNDER 35 U.S.C. 371 IN THE U.S. DESIGNATED/ELECTED OFFICE (DO/EO/US)

This replies to the Notification of Missing Requirements (Form PCT/DO/EO/905) mailed **07 MAY 2001**. A copy of the Notification of Missing Requirements (Form PCT/DO/EO/905) is enclosed.

1. Declaration or Oath

■ No declaration or oath was filed. Enclosed is the original Combined Declaration and Power of Attorney.

The specification attached to the declaration is a copy of the specification and any amendments thereto which were filed in the PTO to obtain the filing date.

The declaration or oath which was filed was determined to be defective. A new original Combined Declaration and Power of Attorney is attached.

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2. Fee Calculation

Basic Fee: PCT Application \$860.00				
	Number Filed	Number Extra	at a Rate of	
Total Claims	16 - 20 =		\$18.00 each =	+0.00
Independent Claims	1 - 3 =		\$80.00 each =	+0.00
Multiple dependent claims, if any			\$270.00	+0.00
			SUB-TOTAL	=0.00
Missing Requirements Fees				
Fee for late filing of translation of published International Application			\$130.00	+130.00
Surcharge for late filing of Inventors' Declaration			\$130.00	+130.00
Reduction by 1/2 for filing by small entity				-***
				TOTAL FILING FEE = \$260.00

*** Applicants qualify as a small business concern as defined in 37 CFR 1.27 (a)(1) through (a)(3), for purposes of paying reduced fees under Section 41(a) and (b) of Title 35, United States Code

3. Extension of Time

The proceedings herein are for a patent application and the provisions of 37 CFR 1.136(a) apply.

Applicant petitions for an extension of time, the fees for which are set out in 37 CFR 1.17(a)-(d), for the total number of months checked below:

<u>Total months requested</u>	<u>Fee for extension</u>	<u>[Fee for Small Entity]</u>
one month	\$110.00	\$ 55.00
two months	\$390.00	\$195.00
three months	\$890.00	\$445.00
four months	\$1,390.00	\$695.00

Extension of time fee due with this request: \$390.00

If an additional extension of time is required, please consider this a Petition therefor.

Applicant believes that no extension of time is required. However, this conditional petition is being made to provide for the possibility that applicant has inadvertently overlooked the need for a petition and fee for extension of time.

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4. Fee Payment

The total fee due is:

Completion Fees	\$ 260.00
Petition for extension of time fee (2 months)	390.00
Total Fee Due	\$ 650.00

- Enclosed is a check in the amounts of \$ _____.00 representing the Missing Requirements Surcharge and a two-month extension of time fee.
- The Commissioner is hereby authorized to charge \$ 650.00 for the completion fees and extension of time fees, to Deposit Account No. 50-0310.

Except for issue fees payable under 37 C.F.R. §1.18, the Commissioner is hereby authorized by this paper to charge any additional fees during the entire pendency of this application including fees due under 37 C.F.R. §1.16 and §1.17 which may be required, or credit any overpayment to Deposit Account No. 50-0310.

5. Additional papers enclosed.

- PCT/IB/338 English translation of the International preliminary Examination Report
- Supplemental** Information Disclosure Statement
- Form PTO-1449, 2 references listed
- Translation of the International Application into English

Date: September 7, 2001

Respectfully submitted,
Morgan, Lewis & Bockius LLP

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